

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)	
FACTORY 2-U STORES, INC. <u>et al</u>)	Bankruptcy Case No. 04-10111
)	
)	Adversary Case No. 05-30479
)	
)	
_____ JEFFREY L. BURTCH, Chapter 7 Trustee)	
)	
Plaintiff)	
)	
v.)	
)	
PARK B. SMITH INC., PARK B. SMITH, JR. GMAC COMMERCIAL FINANCE LLC)	Civil Action No. 07-707
)	
Defendant.)	
_____)	

**NOTICE OF STIPULATION WITHDRAWING, WITHOUT PREJUDICE,
MOTION FOR WITHDRAWAL OF THE REFERENCE UNDER 28 U.S.C.
SECTION 157(d) FED.R.BANKR.P. 5011 AND DISMISSING CIVIL ACTION
WITHOUT PREJUDICE**

1. On August 16, 2007, GMAC Commercial Finance LLC (“**GMAC CF**”) filed Motion for Withdrawal of the Reference Under 28 U.S.C. Section 157(d) and Fed.R.Bankr.P. 5011 (the “**Withdrawal Motion**”) in the above captioned adversary proceeding.

2. On September 7, 2007, Plaintiff Jeffrey L. Burtch, Chapter 7 Trustee, (the “**Trustee**”) filed Plaintiff’s Response to Defendant GMAC Commercial Finance LLC’s Motion for Withdrawal of the Reference Under 28 U.S.C. Section 157(d) and Fed.R.Bankr.P. 5011 (the “**Withdrawal Response**”).

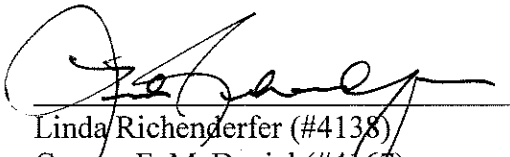
3. On September 14, 2007 GMAC CF filed Defendant's Reply to Plaintiff's Response to Defendant GMAC Commercial Finance LLC's Motion for Withdrawal of the Reference Under 28 U.S.C. Section 157(d) and Fed.R.Bankr.P. 5011 (the "**Reply**").

4. On November 5, 2007, the Withdrawal Motion was docketed in the United States District Court for the District of Delaware and assigned the above-referenced Civil Action Number.

WHEREFORE, the Parties hereby stipulate and agree that the Withdrawal Motion is withdrawn without prejudice, each party to bear its own costs. All rights are reserved for the Parties to reassert their respective claims and defenses set forth in the Withdrawal Motion, the Withdrawal Response, and the Reply. It is further stipulated and agreed that this Civil Action is dismissed without prejudice, each party to bear its own costs.

Dated: November 8, 2007

BIFFERATO GENTILOTTI LLC



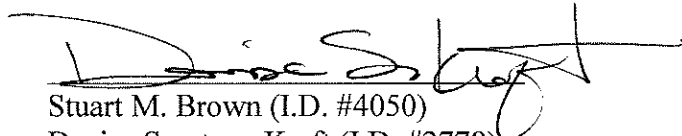
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